

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK BRYANT, et al.,

Plaintiffs,

vs.

Civil Case No. 07-10447

FERRELLGAS, INC., a Delaware
Corporation, and FERRELLGAS, L.P., a
Delaware Limited Partnership,

Defendants.

**QUALIFIED PROTECTIVE ORDER AND AUTHORIZATION PURSUANT TO THE
HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (“HIPAA”)**

This Court hereby authorizes the disclosure and sharing of REBEKAH MARIE BRYANT’S, DECEASED; JOSEPH THOMAS BRYANT’S, DECEASED; NEHEMIAH HENRY BRYANT’S, DECEASED; MARTINA GRACE BRYANT’S, DECEASED; DAVID KOSTANTY BRYANT’S, DECEASED; ISAAC JACKSON BRYANT’S, DECEASED; SARAH J. BRYANT’S, A MINOR; JONATHAN C. BRYANT’S, A MINOR; JOSEPH MOORE’S, (collectively referred to as “Plaintiffs” hereafter) “personal health information” protected under the Health Insurance Portability and Accountability Act (hereinafter, “HIPAA”) (42 USC §1320d *et seq.*) and the regulations promulgated thereunder (45 CFR §§ 160, 164 *et seq.*) pursuant to the terms and conditions contained in this Order.

This order does not compel the health care provider to participate in an interview or meeting against his or her wishes nor to occur outside the presence of his or her attorney if s/he wishes to have one present. The purpose of the interview or meeting conducted by Ferrellgas, Inc. and Ferrellgas, L.P. (collectively referred to as “Ferrellgas” hereafter).

attorneys and/or agents is to assist Ferrellgas in its defense of the above-referenced action brought by the plaintiffs. The meeting or interview is not at the request of the patients; however they have been put on notice of this order.

All covered entities under HIPAA, including but not limited to the health care providers and physicians of Plaintiffs, are authorized and permitted to disclose and/or share their personal health information to the attorneys or agents of Ferrellgas. The personal health information may be provided orally in discussions with Ferrellgas' attorneys/agents or in written, visual or other recorded form. The consent of or notice to Plaintiffs, and/or their attorneys, is not required prior to disclosure of this information by any health care provider.

The parties are prohibited from using or disclosing the protected health information for any purpose other than this action, *Bryant et al v Ferrellgas et al* (Civil Case No. 07-10447). Upon resolution of this action, any party who receives written or otherwise recorded protected health information shall destroy or return the information (including all copies made) to the health care provider.

SO ORDERED.

Date: July 31, 2007

s/John Corbett O'Meara
United States District Judge

APPROVED AS TO FORM AND CONTENT:

DATED July 20, 2007

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